THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.5175 of 2007

Date: 20.03.2007

Between:

K. Vijaya Lakshmi.

....Petitioner

and

The Joint Sub-Registrar-I.

....Respondent

O R D E R:

The petitioner states that she intends to purchase Flat bearing No.28, 5th Floor, Seashells Apartments, Waltair Uplands, Visakhapatnam, admeasuring 999 Sq.fts., situated in T.S.No.1027 P of Waltair Ward and approached the respondent to know the details of the basic register value, the stamp duty and the registration fee. The grievance of the petitioner is that the respondent is not entertaining any registration on the ground that the Government issued a notification under Section 22-A of the Registration Act, 1908 (for short 'the Act'), in respect of the land in the said survey number. This writ petition is filed seeking appropriate directions to the respondent in this regard.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

Section 22-A of the Act empowered the Government to issue notifications almost preventing the registration of documents in respect of the lands to be mentioned therein. Such a power was held to be *ultra vires* and the provision was struck down by the Hon'ble Supreme Court in ***State of Rajasthan v. Basanth Nahata***[1].

Once the sole basis for the respondent to refuse

registration had disappeared, he is under obligation to receive the documents and consider the same in accordance with the provisions of the Indian Stamp Act and the Registration Act.

Hence, the writ petition is disposed of, directing the respondent to receive and process the documents presented by the petitioner and take necessary steps in accordance with the provisions of the Indian Stamp Act and the Registration Act, within one week from the date of receipt of a copy of this order. There shall be no order as to costs.

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20.03.2007

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[1] AIR 2005 SC 3401 = (2005) 12 SCC 77